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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,322	03/02/2004	Dmitry Andreev	END920030143	1826

7590 06/18/2009  
Andrew M. Calderon  
Greenblum and Bernstein P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191

EXAMINER
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ART UNIT	PAPER NUMBER
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2434

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06/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* DMITRY ANDREEV, GREGORY VILHANSKY,  
BORIS VISHNEVSHY

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Application No. 10/791,322  
Technology Center 2400

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Mailed: June 18, 2009

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Before Deborah L. Perry, Supervisory Paralegal Specialist, Review Team.  
Perry, Supervisory Paralegal Specialist, Review Team.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 30, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

REPLY BRIEF

The review of the file finds that the Reply Brief filed March 23, 2009, includes new evidence.

In accordance with 37 CFR 41.41(a)(2):

“A reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence...”

Because the reply brief filed March 23, 2009, was accompanied by other evidence, specifically *Ex Parte HADDAD*, the Examiner needs to consider the Reply Brief, then issue and mail a proper acknowledgment.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider, treat and/or acknowledge the Reply Brief in whole; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/bar

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